THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 24474 OF 2005

Dated 13th March, 2006

Between:

Sathi Harinarayana Reddy

… Petitioner

And

The Executive Engineer, R& B,

Amalapuram, East Godavari District

and others.

… Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks for issuance of a writ of mandamus directing the respondents, especially, respondent No.1 to finalise the accounts by closing the contract entered into pursuant to C.R. Agreement No.140/2003-2004.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is a civil contractor and had entered into an agreement for the work of “Improvement to Palivela Pallipalem Road from K.M.0.000 to 6.995 in East Godavari District with an estimated cost of Rs.1,02,43,051/-. It is the case of the petitioner that in execution of the said contract, since there was necessity of change in designs with regard to the project work, there was delay occurred on the part of the respondents, on account of which, he could not complete the work within the stipulated time. Therefore, the petitioner cannot be made responsible for the same and he is entitled to the amount to the extent of the work done after finalisation of the account by closing the contract.

However, it is to be noticed that subsequent to the filing of the writ petition, the petitioner was intimated vide letter dated 27.1.2006 of the determination of the contract under clause 60(a) of the Preliminary Specifications to APSS duly forfeiting the security deposit and the value of the work that has been executed and not paid for.

In view of the determination of the contract itself by invoking clause 60(a) of P.S. to APSS, the relief sought for in this writ petition cannot be granted. If the petitioner is aggrieved by the orders dated 27.1.2006 determining the contract, he can question the said proceedings. The writ petition, therefore, is dismissed with liberty to the petitioner to question the orders dated 27.1.2006, if he so desires. No costs.

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2006. **(R.SUBHASH REDDY, J.)**

VR.

Note:

Issue cc within two days.

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